

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, President of the United
States, *et al.*,

Defendants.

No. 2:17-cv-00094-LK

**DEFENDANTS' NOTICE RE
PATEL v. GARLAND AND INTENTION
TO MAKE RELATED FILING**

In the Parties' Joint Status Report filed July 8, 2022, Defendants stated that they "are evaluating whether the Supreme Court's recent decision in *Patel v. Garland*, 142 S. Ct. 1614 (2022), may impact whether this Court has subject-matter jurisdiction to adjudicate some of the claims raised in this case." Dkt. No. 601, at 4. Defendants also represented that they "will determine their position on this issue no later than July 29, 2022, and will inform the Court by that date whether Defendants intend to file a related motion to dismiss." *Id.*

Accordingly, Defendants now notify the Court of their determination that because the *Patel* decision suggests a broad interpretation of the jurisdictional bars in 8 U.S.C. § 1252(b), that decision informs the scope of the Court's jurisdiction over the claims brought by the Adjustment Class in this case. As such, on or before September 15, 2022, with leave of the

1 Court as necessary, Defendants intend to make a filing concerning the application of *Patel* to
2 claims asserted by the Adjustment Class.

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4 Dated: July 29, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2022, I electronically served the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ W. Manning Evans
W. MANNING EVANS